

RONALD J. TENPAS
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division
Washington, D.C.
NELSON COHEN
United States Attorney
Anchorage, Alaska
MARK A. NITCZYNSKI
US Department of Justice
Environmental Defense Section
1961 Stout Street - 8th Floor
Denver, CO 80294
Phone: (303) 844-1498
Fax: (303) 844-1350
RICHARD L. POMEROY
DANIEL COOPER
Assistant United States Attorney
District of Alaska
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9
Anchorage, Alaska 99513
Telephone: (907) 271-5071

Attorneys for Plaintiff United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. A-01-378 Civil (RRB)
v.)	
)	UNITED STATES' JULY 22, 2008
CLARENCE ABELDGAARD,)	STATUS REPORT
OCEANVIEW ENTERPRISES, INC.,)	
CLOYD MOSER and MODEB)	
INVESTMENTS,)	
)	
Defendants.)	
_____)	

Plaintiff United States of America ("United States") hereby submits the following status report regarding negotiations with Geraldine Barling in this matter.

The United States filed a status report on March 14, 2008, in which it informed the Court that, among other things, the United States had sought information from Ms. Barling regarding the status of: (1) the purchase of a piece of property, owned by Mr. George Crowther, that Ms. Barling would be required to acquire under the proposed consent decree; (2) Ms. Barling's refinancing of her home, the proceeds from which Ms. Barling has stated will be used to comply with the proposed consent decree; and (3) any other developments related to Ms. Barling's efforts to comply with the terms of, or put herself in a position to sign, the consent decree. Docket 201.

Shortly thereafter, the Court ordered that Ms. Barling submit a status report by March 28, 2008. Docket 202.

In Ms. Barling's status report filed on April 2, 2008, Ms. Barling's counsel stated that the quitclaim deed for the property purchased by Ms. Barling from Mr. Crowther had been sent to the Kenai Recording Office for recording but that counsel had been unable to contact Ms. Barling for the previous four weeks. Docket 203.

After Ms. Barling's status report was filed, counsel for the United States requested a conference call with Ms. Barling's counsel and Ms. Barling. The call took place on May 16, 2008. The call focused on four issues that should be addressed in the short term in order for Ms. Barling to move forward with signing the consent decree and/or making progress on the requirements contained in the proposed consent decree: (1) the status of potential sale of the Anchor Point property where the 2007 fire occurred; (2) the sale of a cabin that was located on the property purchased from Mr. Crowther; (3) a lien held on a large parcel of property that Ms. Barling would be required to transfer under the proposed consent decree; and (4) the status of the

repair of a rental unit that Ms. Barling has stated must be repaired before she would be able to refinance her house.

A second call occurred on June 16, 2008, and focused on the four issues set forth immediately above. During that call, Ms. Barling reported that she had expended efforts on those four items but had not yet made progress on them. Since the June 16, 2008 call, Ms. Barling and her counsel have indicated that some progress was being made.

A follow-up call currently is scheduled for July 28, 2008.

Respectfully submitted,

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division
UNITED STATES DEPARTMENT OF JUSTICE

/s/ Mark A. Nitzynski
MARK A. NITCZYNSKI
Environmental Defense Section
UNITED STATES DEPARTMENT OF JUSTICE
1961 Stout Street - 8th Floor
Denver, CO 80294
PHONE: (303) 844-1498
FAX: (303) 844-1350

NELSON COHEN
United States Attorney
District of Alaska

RICHARD L. POMEROY
Assistant U.S. Attorney

OF COUNSEL:
DAVID ALLNUTT
U.S. ENVIRONMENTAL PROTECTION AGENCY,
REGION X
Seattle, Washington

Attorneys for Plaintiff United States

CERTIFICATE OF SERVICE

I, Mark A. Nitzynski, certify that on this July 22, 2008, I caused to be filed electronically the foregoing UNITED STATES' JULY 22, 2008 STATUS REPORT with the Clerk of Court using the CM/ECF system, which sends a Notice of Electronic Filing to counsel of record, and that I caused a hard copy of the foregoing to be served by United States mail on the following persons:

C.E. Abeldgaard
Oceanview Enterprises, Inc.
P.O. Box 891
Homer, Alaska 99603

Pro Se

/s/ Mark A. Nitzynski
MARK A. NITCZYNSKI